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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,829	09/24/2003	Mark A. Stansbury	NSAC-2	5707
52450	7590	12/27/2006		
KRIEG DEVAULT LLP ONE INDIANA SQUARE SUITE 2800 INDIANAPOLIS, IN 46204-2079			EXAMINER KING, ANITA M	
			ART UNIT	PAPER NUMBER
			3632	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		12/27/2006	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/669,829

Applicant(s)

STANSBURY, MARK A.

Examiner

Anita M. King

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5-12,15,17-22,26-31,34,35,40,41,43 and 45-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15,17-22,28,29 and 46-53 is/are allowed.
- 6) ☒ Claim(s) 1,8,9,26,27,30,31,40,43,45,54 and 55 is/are rejected.
- 7) ☒ Claim(s) 5-7,10-12,34,35 and 41 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

This is a non-final office action for application number 10/669,829, Furnace Mount and Method of Installation, filed on September 24, 2003. This application is a continuation of application 09/941,524, filed August 29, 2001, now abandoned.

Response to Amendment

The indicated allowability of claims 1, 8, 9, 26, 27, 30, and 31 is withdrawn in view of the further consideration of previously cited reference(s) to Brabson, Diss, and Born. Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 8, 9, 26, 27, 30, 31, 40, 43, 45, 54, and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 1,887,283 to Brabson in view of U.S. Patent 3,326,508 to Born. Brabson discloses a mount (20) capable of supporting a furnace above the floor, comprising: an integrally formed main body (20) having a first surface adapted to engage the floor and a second surface spaced from the first surface, the main body member including a pair of integrally formed upstanding wall members (21) defining a locator portion adapted to abut an outer surface of the furnace and position the furnace relative to the main body member; wherein the upstanding wall members extend substantially along two sides of the main body member; wherein the main body member has a first vertical length and at least one of the upstanding wall

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members has a second vertical length, wherein the first vertical length is substantially equal to the second vertical length or greater than the second vertical length; and wherein the main body is free of engagement with any mechanical fasteners.

Brabson discloses the claimed invention except for the limitation of an adherent component connected to the main body member and located proximate the second surface, the adherent component including an adhesive surface adapted to engage and couple the main body member with the furnace. Born teaches a mount (Fig.6) having an integrally formed rigid main body member (51) having a first surface and a second surface, an adherent component connected to the main body member and located proximate the second surface, the adherent component including an adhesive surface (51A), wherein the adherent component is attached to the second surface and wherein the adhesive surface is spaced from the second surface, and wherein the adhesive surface is substantially parallel with the second surface. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the mount in Brabson to have included the adherent component as taught by Born for the purpose of gripping the outer surface of the object supported by the object through pressure sensitive adhesive to prevent unwanted shifting of the object in relation to the mount and also allowing the object to easily adhere and be removed from the mount.

Brabson combined with Born disclose the claimed invention except for the limitation of the mount being a polymeric material. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the mount in Brabson to have been constructed of a polymeric material for the purpose of

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providing an alternative, mechanically equivalent material which is rigid for the mount and since such a modification would have not have produced any unexpected results.

Claims 1, 8, 9, 26, 27, 30, 31, 40, 43, 45, 54, and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 1,179,811 to Diss in view of Born. Diss discloses a mount capable of supporting a furnace above the floor, comprising: an integrally formed main body having a first surface adapted to engage the floor and a second surface spaced from the first surface, the main body member including a pair of integrally formed upstanding wall members (4) defining a locator portion adapted to abut an outer surface of the furnace and position the furnace relative to the main body member; wherein the upstanding wall members extend substantially along two sides of the main body member; wherein the main body member has a first vertical length and at least one of the upstanding wall members has a second vertical length, wherein the first vertical length is substantially equal to the second vertical length or greater than the second vertical length; and wherein the main body is free of engagement with any mechanical fasteners.

Diss discloses the claimed invention except for the limitation of an adherent component connected to the main body member and located proximate the second surface, the adherent component including an adhesive surface adapted to engage and couple the main body member with the furnace. Born teaches a mount (Fig.6) having an integrally formed rigid main body member (51) having a first surface and a second surface, an adherent component connected to the main body member and located proximate the second surface, the adherent component including an adhesive surface

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(51A), wherein the adherent component is attached to the second surface and wherein the adhesive surface is spaced from the second surface, and wherein the adhesive surface is substantially parallel with the second surface. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the mount in Diss to have included the adherent component as taught by Born for the purpose of gripping the outer surface of the object supported by the object through pressure sensitive adhesive to prevent unwanted shifting of the object in relation to the mount and also allowing the object to easily adhere and be removed from the mount.

Diss combined with Born disclose the claimed invention except for the limitation of the mount being a polymeric material. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the mount in Diss to have been constructed of a polymeric material for the purpose of providing an alternative, mechanically equivalent material which is rigid for the mount and since such a modification would have not have produced any unexpected results.

Allowable Subject Matter

Claims 5, 6, 10-12, 34, 35, and 41 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


Claims 15, 17-22, 28, 29, and 46-53 are allowed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita M. King whose telephone number is (571) 272-6817. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on (571) 272-6842. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Anita M. King
Primary Examiner
Art Unit 3632

December 20, 2006